

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

| | | |
|-----------------------------------|---|--------------------------|
| INDIANA CHEER ELITE, INC., |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | CASE NO. 3:05 –CV-125 RM |
| |) | |
| CHAMPION CHEERING |) | |
| ORGANIZATION, LLC a/k/a |) | |
| Indiana Cheer Extreme, LLC |) | |
| |) | |
| and |) | |
| |) | |
| ICE ATHLETICS BOOSTERS CLUB, INC. |) | |
| d/b/a ICE Athletics, Inc. |) | |
| |) | |
| Defendants |) | |
| _____ |) | |

OPINION AND ORDER GRANTING MOTION FOR DEFAULT JUDGMENT,
ENTERING PERMANENT INJUNCTION, AND
NOTICING A HEARING ON DAMAGES

Comes Plaintiff, Indiana Cheer Elite, Inc., by its counsel, the law firm of Warrick & Boyn, LLP, and moves for Default Judgment. As Champion Cheering Organization, LLC has failed to respond in any fashion pursuant to any of the services by Indiana Cheer Elite, Inc., and as the clerk has entered a default against Champion Cheering Organization, the Court now GRANTS Indiana Cheer Elite's motion for a default judgment [docket no. 17] and ORDERS that a default judgment be entered in favor of Indiana Cheer Elite, Inc. and against Champion Cheering Organization, LLC.

The Court ORDERS a permanent injunction be imposed in favor of Indiana Cheer Elite, Inc. and against Champion Cheering Organization, LLC preventing Champion Cheering Organization, LLC from any infringement upon Indiana Cheer Elite, Inc.'s trademark ICE[®] pursuant to Count I

of its Complaint. The Court ORDERS this injunction against Champion Cheering Organization, LLC to encompass and require Champion Cheering Organization, LLC to the immediate cessation of any and all use of ICE[®] and INDIANA CHEER EXTREME or any confusingly similar variations thereof, withdrawal of all advertising promotional material from the market featuring the ICE[®] and INDIANA CHEER EXTREME names, and any confusingly similar variations thereof including, but not limited to, newspaper advertising, trade journals, radio, television, other printed literature, telephone, e-mail and website listings; destruction of all printed and digitized material bearing the ICE[®] and INDIANA CHEER EXTREME names or any confusingly similar variations thereof; instruction of all publishers of directories, web pages, and Internet search engines to remove all references to ICE[®] and of INDIANA CHEER EXTREME or any confusingly similar variations thereof relating to Champion Cheering Organization, LLC's business by providing such publishers with the Internet address for any web pages, graphic files, and all the references so as to permit such publishers to remove all references to ICE[®] and INDIANA CHEER EXTREME as used by Champion Cheering Organization, LLC's business from their respective directories, data bases and search engines; amendment of all documents on file with state or federal authorities to delete all references to ICE[®] and INDIANA CHEER EXTREME, relating to Champion Cheering Organization, LLC's business; notify all white page and yellow page telephone directories and other directories in which Champion Cheering Organization, LLC's business is listed instructing their publisher to delete all listings contained in the ICE[®] and INDIANA CHEER EXTREME names and confusingly variations thereof; to advise all customers in writing that Champion Cheering Organization, LLC will no longer be providing the products or services or otherwise doing business under the ICE[®] or INDIANA CHEER EXTREME names and confusingly similar variations thereof;

and make all efforts to clearly distinguish Champion Cheering Organization, LLC from Indiana Cheer Extreme, Inc.'s client and all media, advertising, communications with customers, including, but not limited to, publishing a disclaimer on Champion Cheering Organization, LLC's website that Champion Cheering Organization, LLC is not associated with Indiana Cheer Elite, Inc. nor is it licensed by Indiana Cheer Elite, Inc. to use ICE® or INDIANA CHEER EXTREME or any confusingly similar variations thereof.

Pursuant to allegations in Counts I, II, and III of Indiana Cheer Elite, Inc.'s Complaint against Champion Cheering Organization, LLC, Indiana Cheer Elite, Inc. seeks damages, including court costs and attorney fees against Champion Cheering Organization, LLC. As previously noticed, the court will conduct a hearing on damages on June 21, 2005 at 2:00 p.m. in South Bend, Indiana to determine the amount of these damages. These damages will be entered into a full and final judgment which will also incorporate the permanent injunction described by this order.

Date: June 7, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
U.S. District Court

cc: Champion Cheering Organization LLC